

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No.: 3152A-Z#10
9/2/04
JZG

In re application of
 Mark Stutler
 Serial No. 10/081,156
 Filed: February 25, 2002
 For: FRESH MASONRY WALL PROTECTION DEVICE AND METHOD
 FOR RAPIDLY PROTECTING A NEWLY LAID MASONRY WALL

Examiner Robert Canfield
 Group Art Unit 1775

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated October 20, 2003 of the Primary Examiner finally rejecting Claims 1, 6, 13 and 15. The remaining claims have been indicated as allowable or containing allowable subject matter.

The Appeal fee (\$165.00) is:

Enclosed: Check - \$220.00
 (\$165.00-appeal notice/\$55.00 extension of time).

Not required (fee paid in prior appeal in this application with no Board decision on the merits.)

Petition is hereby made to the Commissioner of Patents and Trademarks to extend the period for filing this Notice of Appeal for one month, so as to expire February 20, 2004. The fee for this extension is included in the attached check.

The Commissioner is hereby authorized to charge any additional fees which may be required (or credit any overpayment) to Deposit Account No. 26-0090.

Respectfully submitted,

Jim Zegeer

Jim Zegeer, Reg. No. 18,957
 Attorney for Applicants

Suite 108
 801 North Pitt Street
 Alexandria, VA 22314
 Telephone: 703-684-8333

Date: February 20, 2004

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

The Patent and Trademark Office acknowledges, and has stamped hereon, the date of receipt of the following document(s) filed:

AMENDMENT AFTER FINAL
NOTICE OF APPEAL

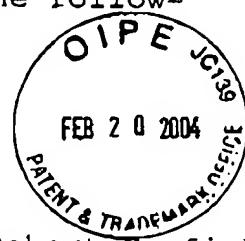
CHECK No. 15354 - \$220.00

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**FACSIMILE COVER SHEET
TOTAL NUMBER OF SHEETS 3**

FAX # TO: 703-308-3519

DATE: September 8, 2004
FROM: Jim Zegeer
TO: Ms. McBride
RE: U.S. Serial No. 10/081,156 - Stutler
Attorney Docket No. 3152A-Z

COMMENTS:

Per your telephone request, a copy of the Notice of Appeal as filed on February 20, 2004 along with a copy of the stamped received is attached.

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